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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,520	05/09/2001	Lukas Girling	YCMIP002	6347
22434	7590	12/30/2003	EXAMINER	
BEYER WEAVER & THOMAS LLP P.O. BOX 778 BERKELEY, CA 94704-0778			MCCARTNEY, LINZY T	
		ART UNIT		PAPER NUMBER
		2671		70

DATE MAILED: 12/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/852,520	GIRLING ET AL.
	Examiner Linzy McCartney	Art Unit 2671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 8/26/03.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-14 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 31 December 2001 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                               | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ .                                   |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 6-8, and 10-13 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by 3DCreate.

a. Referring to claim 1, 3DCreate discloses creating an object in a drawing window wherein the object has one or more components and the object in the drawing window is static (3DCreate, page 13, top image, left window); displaying simultaneously in an animation window the object in an animated manner (3DCreate, page 13, top image; screen captures 1-3, right window; while running the application, the object to which the face is attached continuously rotates back and forth. Note in the screen captures the head in the right window is in a different position in each screen capture.), such that as a component of the object is being drawn in the drawing window the object is animated and displayed to the user in animation window in the form of the animated object (3DCreate, page 13, top image; as noted above, the object to which the face is attached continuously rotates back and forth. The rotation continues during morphing of facial features as can be seen in screen captures 4 and 5), whereby the animated object is capable of being played back immediately as the object is created in the drawing window (3DCreate, page 13, "...you see real time updates in the preview window...") and

continually updating the animated object displayed in the animation window with data from the drawing window (3DCreate, page 15, paragraph 2; Screen captures 4 and 5).

- b. Referring to claim 2, 3DCreate discloses displaying the object in an animated manner in a first scenario (3DCreate, page 24).
- c. Referring to claim 6, 3DCreate discloses creating a drawing window and animation window (3DCreate, page 13, top image).
- d. Referring to claim 7, 3DCreate discloses selecting a component or a pre-existing object to be placed in the drawing window (3DCreate, page 12).
- e. Referring to claim 8, 3DCreate discloses displaying the component in the animation window upon the release of a pointer device (3DCreate, pages 12-13, top image. Note that creating the object and displaying simultaneously in animation window after the Next button is selected in the Image selection window).
- f. Referring to claim 10, 3DCreate discloses creating the object and displaying simultaneously in an animation window the object in an animated manner both occur in a single process (3DCreate, pages 12-13, top image. Note that creating the object and displaying simultaneously in animation window after the Next button is selected in the Image selection window).
- g. Referring to claim 11, 3DCreate discloses using a plurality of drawing implements and modeling techniques to create the object (3DCreate, pages 13-17)
- h. Referring to claim 12, 3DCreate discloses drawing a component in a drawing window wherein the drawing window occupies a first area of the computer monitor (3DCreate, page 13, top image, left window); showing the component as part of an

animated object in an animation window wherein the animation window occupies a second area of the computer monitor, such that the component is shown with the animated object while the component is drawn and wherein the first and second areas of the computer monitor are displayed simultaneously (3DCreate, page 13, top image; screen captures 1-5) and continually updating the animated object displayed in the animation window with data from the drawing window (3DCreate, page 15, paragraph 2; Screen captures 4 and 5).

- h. Referring to claim 13, 3DCreate discloses showing the component as part of an animated object in a pre-existing context (3DCreate, page 24).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over 3DCreate as applied to claim 2 above in view of Bruce Damer, "Avatars! Exploring and Building Virtual Worlds on the Internet" (Damer).

- a. Referring to claim 3, 3DCreate does not explicitly disclose wherein the first scenario is a collaborative community environment and the object is a character developed by a user. Damer discloses using 3DCreate to create 3D VRML avatars (page 443, paragraph 1) and using the character in a collaborative community environment (pages 288-289, 438). At the time the invention was made, it would have been obvious to

a person of ordinary skill in the art to modify the teachings of 3DCreate with the disclosure of Damer. The suggestion/motivation for doing so would have been because it would allow people to interact in virtual 3D environments.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over 3DCreate in view of U.S. Patent No. 5,844,569 to Eisler et al. (Eisler).

a. Referring to claim 4, 3DCreate does not explicitly disclose placing a representation of the component of the object in a drawing buffer as the component is being drawn or transmitting the representation of the component in the drawing buffer to an animation buffer. Eisler discloses placing a representation of the object in a drawing buffer as the component is being drawn (column 9, lines 5-7; column 11, lines 4-6) and transmitting the representation of the component in the drawing buffer to an animation buffer (column 11, 39-43; Figs. 4A and 4B). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the teachings of 3DCreate with the disclosure of Eisler. The suggestion/motivation for doing so would have been because without support for flipping it is difficult to implement advanced features without unsightly effects (Eisler, column 4, 32-35).

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over 3DCreate as applied to claim 1 above in view of U.S. Patent No. 5,719,593 to De Lange.

a. Referring to claim 5, 3DCreate does not explicitly disclose placing a representation of the component of the object in a shared buffer and displaying directly from the shared buffer the component of the object in the animation window. De Lange

discloses the aforementioned limitation (column 7, lines 1-22). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the teachings of 3DCreate with the disclosure of De Lange. The suggestion/motivation for doing so would have been because to create images such that the mixing of the images and smooth transitions between the images can be achieved (De Lange, Abstract).

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over 3DCreate as applied to claim 1 above and further in view of U.S. Patent No. 4,600,919 to Stern.

a. Referring to claim 9, 3DCreate does not explicitly disclose determining data corresponding to position, orientation, and scale of the component at a given time and storing said data in a first buffer; searching in the first buffer for said data; or placing the component based on said data in the animation window. Stern discloses determining data corresponding to position, orientation, and scale of the component at a given time and storing said data in a first buffer (column 5, lines 12-16) searching in the first buffer for said data and placing the component based on said data in the animation window (Figs. 5 and 8). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the teachings of 3DCreate with the disclosure of Stern. The suggestion/motivation for doing so would have been because it would provide natural looking motion and provide the animator with a high degree of flexibility in obtaining the desired appearance of motion of figures with minimum labor (Stern, column 2, lines 7-12).

8. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over 3DCreate as applied to claim 13 above in view of Donna Coco, "A Web Developer's Dream" (Coco).

a. Referring to claim 14, 3DCreate does not explicitly disclose wherein the pre-existing context is a story developed by a collaborative effort of members in a community. Coco discloses using 3D VRML avatars collaboratively developed (page 2, paragraphs 1 and 2) to perform Shakespeare's A Midsummer Night's Dream (page 1, paragraph 1; page 5, image). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the teachings of 3DCreate with the disclosure of Coco. The suggestion/motivation for doing so would have been because it would allow creation of VRML productions that can be broadcast over the Internet.

*Response to Arguments*

9. Applicant's arguments filed 8/26/03 have been fully considered but they are not persuasive. Applicant contends that 3DCreate does not teach continually updating the animated object displayed in the animation window with data from the drawing window. Applicant relies on page 8 of the 3DCreate Help File for support. The Examiner notes that section of the Help File referred to by the Applicant **regards the actions of the interactive assistant after being created**, not the creation of the facial image of the 3D Assistant in the preview and image windows. As noted above the image window continually updates the animated object displayed in the image window with data from the preview window.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Linzy McCartney** whose telephone number is **(703) 605-0745**. The examiner can normally be reached on Mon-Friday (8:00AM-5: 30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Mark Zimmerman**, can be reached at **(703) 305-9798**.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

**Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).**

**Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.**

ltm  
16 December 2003



RICHARD ZIMMERMAN  
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